IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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WEDNESDAY, THE TWENTY FOURTH DAY OF AUGUST

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

* * *

WP.No.18738 OF 2005

Between:

Smt. Udikala Saraswathi & Ors. … Petitioners

Versus

The Mandal Revenue Officer,

Denkada Mandal, Vizianagaram District … Respondents

Counsel for the Petitioner: Mr.Aravala Rama Rao

Counsel for the Respondents: GP for Revenue

O R D E R :

This writ petition is filed questioning the action of the respondents in trying to dispossess and evict the petitioners from their house-site patta land in survey no.186 of Madhavalasa village, Denkada Revenue Mandal, Vizianagaram district, without issuing notice and without following the procedure established under law as illegal, arbitrary, unjust, contrary to law and violative of Article 14, 21 and 300-A of the Constitution of India and consequently direct the respondents to forbear from taking any coercive steps against them for eviction and not to dispossess the petitioners from their aforesaid house site patta.

The petitioners, who are landless poor have made a representation to the revenue authorities seeking to grant house site pattas. Thereupon, the-then Mandal Revenue Officer, after conducting enquiry and eligibility criteria granted house site patas during the year 1995 in an extent of Ac:0-02 cents by mentioning plot numbers in

survey no.186 of Modhavalasa village of Denkada Revenue Mandal, Vizianagaram district. Since then, the petitioners are in continuous possession and enjoyment over the said house site patta lands.

The petitioners submit that soonafter granting house site pattas, some of the petitioners have constructed thatched houses in the said house site patta lands and they are living in the thatched houses. Now the petitioners contended that the respondents without following due process of law are threatening to dispossess them from their peaceful possession and enjoyment over the house site patta lands. Therefore, in view of the high-handed action of the respondents, the petitioners have filed the present writ petition.

Considering the facts and circumstances of the case and taking into consideration the submission made by the learned counsel for the petitioners, without going into the merits or otherwise, I deem it appropriate to dispose of the writ petition at the admission stage directing the respondents to consider the case of the petitioners and follow due process of law before contemplating any action of either acquiring the land of the petitioners or dispossessing them from the land, which was assigned to them in an extent of Ac:0-02 cents each by mentioning plot numbers in survey no.186 of Modhavalasa village of Denkada Revenue Mandal, Vizianagaram district, till alternative land is assigned to them. However, this order does not preclude the respondents from taking action in accordance with the established principles of law.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

AUGUST 24th, 2005. ----------

I s L. ELIPE DHARMA RAO , J.